

ALVERSON TAYLOR & SANDERS
KURT R. BONDS, ESQ.
Nevada Bar No. 6228
DAVID M. SEXTON, ESQ.
Nevada Bar No. 14951
6605 GRAND MONTECITO PARKWAY
SUITE 200
LAS VEGAS, NEVADA 89149
(702) 384-7000
efile@alversontaylor.com
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

ANA CHERI MORELAND, CIELO JEAN
GIBSON, DESSIE MITCHESON, IRINA
VORONINA, JESSICA HINTON a/k/a
JESSA HINTON, INA SCHNITZER a/k/a
JORDAN CARVER, KRYSTAL FORSCUTT
HIPWELL, TIFFANY TOTH GRAY,
URSULA YVONNE SANCHEZ a/k/a
URSULA MAYES, and PAOLA CANAS

Plaintiffs,
vs.

GOLDY LLC d/b/a SOPHIA'S
GENTLEMEN'S CLUB; NADER EL
BANNA d/b/a SOPHIA'S HOOKAH
LOUNGE

Defendants.

Case No. 2:19-cv-01971-KJD-NJK

**ORDER GRANTING
PLAINTIFF TIFFANY TOTH GRAY'S
EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION,
PURSUANT TO FRCP 65**

Pending before the Court is Plaintiff Tiffany Toth Gray's Emergency Motion for Temporary Restraining Order and Preliminary Injunction, Pursuant to FRCP 65, filed February 2, 2021. Docket No. 14. Having considered Ms. Toth's Motion, and the affidavits and exhibits attached thereto, and good cause appearing, this Court finds and orders as follows:

///

1 THIS COURT FINDS that Plaintiffs filed their Complaint in this action on November 8,
2 2019, alleging the misappropriation and unauthorized use of Plaintiffs' images and likenesses by
3 Defendants, Goldy LLC and Nader El Banna in advertising their strip club, Sophia's, in violation
4 of the Lanham Act, Nevada's Right of Publicity Statute, and state law. *See* Docket No. 1.

5 THIS COURT FINDS that Defendants failed to respond to the Complaint or otherwise
6 appear in this action and a Default was entered by the Clerk of the Court on May 4, 2020. *See*
7 Docket No. 10.

8 THIS COURT FINDS that on November 9, 2020, Plaintiffs filed a Motion requesting that
9 the Court enter a Default Judgment against Defendants. *See* Docket No. 13.

10 THIS COURT FINDS that on February 2, 2021, Plaintiff Tiffany Toth Gray ("Ms. Toth")
11 filed her Emergency Motion for Temporary Restraining Order and Preliminary Injunction,
12 Pursuant to FRCP 65. Docket No. 14.

13 THIS COURT FINDS that Defendants have posted an image of Ms. Toth to the website
14 for Sophia's to advertise a Super Bowl event at the strip club.

15 THIS COURT FINDS that Defendants did not have permission or authorization from Ms.
16 Toth to post her image or likeness on their website or use her image or likeness for any advertising
17 or commercial purpose.

18 THIS COURT FINDS that Defendants' unauthorized use of Ms. Toth's image is likely to
19 cause confusion in the minds of consumers as to whether Ms. Toth authorized the use of her image
20 or sponsors, supports, or is otherwise affiliated with Sophia's strip club.

21 THIS COURT FINDS that Ms. Toth has shown she is likely to succeed on the merits of
22 her claims related to the misuse and unauthorized use of her image and likeness by Defendants.

23 THIS COURT FINDS that Ms. Toth is suffering, and will continue to suffer, irreparable
24 harm to her image, brand, and reputation by Defendants' unauthorized use of her image and
25

1 likeness in advertising and associating Ms. Toth with Sophia's and the strip club lifestyle and
2 activities of Sophia's.

3 THIS COURT FINDS that after analyzing the papers and pleadings on file herein, the
4 balance of equities and public interest favor preventing Defendants' unauthorized use and
5 misappropriation of Ms. Toth's image, and protecting an individual's, in this case Ms. Toth's, right
6 and ability to determine how her image and likeness will be used.

7
8 THIS COURT FINDS that Plaintiff Tiffany Toth Gray has provided notice of the instant
9 Motion to Defendant Goldy LLC through its registered agent via hand delivery, US mail, and
10 email.

11 THIS COURT FINDS that Plaintiff Tiffany Toth Gray has provided notice of the instant
12 Motion to Defendant Nader El Banna via US mail.

13 THIS COURT FINDS that the above facts show good cause for, and warrant the issuance
14 of the relief requested in Ms. Toth's Motion.

15 THIS COURT FINDS that Ms. Toth has prevailed on a significant issue in this litigation
16 which has achieved a benefit sought in bringing suit, and therefore, there exists good cause for an
17 award of attorney fees incurred for bringing this Motion.

18
19 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES** that Plaintiff
20 Tiffany Toth Gray's Emergency Motion for Temporary Restraining Order and Preliminary
21 Injunction, Pursuant to FRCP 65 (the "Motion") is **GRANTED**.

22 **THE COURT FURTHER ORDERS, ADJUDGES, AND DECREES** that Defendants
23 Goldy LLC and Nader El Banna must immediately cease using any image of Ms. Toth for
24 commercial and/or advertising purposes. Specifically, Defendants must immediately remove the
25 image of Ms. Toth being used to advertise Sophia's Super Bowl event, which is attached to this
26 Order as Exhibit A, from the website for Sophia's strip club.
27
28

ALVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY STE 200
LAS VEGAS, NV 89149
(702) 384-7000

1 **THE COURT FURTHER ORDERS, ADJUDGES, AND DECREES** that Defendants
2 Goldy LLC and Nader El Banna are enjoined from using any image or likeness of Ms. Toth to
3 advertise or promote Sophia's in any way, or for any other commercial purpose.

4 **THE COURT FURTHER ORDERS, ADJUDGES, AND DECREES** that the
5 restrictions imposed by this Order shall remain in force and effect until a final judgment is entered
6 in this matter.

7 **THE COURT FURTHER ORDERS, ADJUDGES, AND DECREES** that Ms. Toth's
8 request for an award of attorney's fees and costs incurred in bringing her Motion is **GRANTED**.
9 Ms. Toth's counsel is to submit a verified memorandum of fees and costs within 14 days of this
10 Order, for review and approval of this Court as to the amount of attorney's fees awarded.

11 **IT IS SO ORDERED.**

12 DATED this 4th day of February, 2021.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



UNITED STATES DISTRICT COURT JUDGE

Respectfully Submitted By:

ALVERSON TAYLOR & SANDERS

/s/ David M. Sexton

KURT R. BONDS, ESQ.

Nevada Bar No. 6228

DAVID M. SEXTON, ESQ.

Nevada Bar No. 14951

6605 GRAND MONTECITO PARKWAY

SUITE 200

LAS VEGAS, NEVADA 89149

(702) 384-7000

Attorneys for Plaintiffs

Sophias Gentlemens Club Las Vegas

sophiasstripclub.com

3500 W. Naples Dr., Las Vegas, NV 89103

702.982.6777

Click to text for a FREE RIDE

Sophias

3500 W. NAPLES DRIVE

702.982.6777

CLUB

HOME

VIP PACKAGES

FREE RIDE


EMPLOYMENT

ABOUT

CONTACT

CHECKOUT

February 7th



BIG GAME SUNDAY

WATCH THE GAME ON HUGE 4K HD PROJECTORS
AND ENJOY OUR TAILGATE BUFFET!

FOR RESERVATIONS :
CALL 702.982.6777
OR SEE A HOST

Sophias
CLUB

3500 W. NAPLES DRIVE

SophiasStripClub.com



Planet Hollywood
Responsible Gaming

The Commission
of Las Vegas

The Strip at Las Vegas

Harmon

11:22 AM

07/31/2021